IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

ADAMS & BOYLE, P.C., on behalf of)	
Itself and its patients; et al.,)	
)	
Plaintiffs,)	CASE NO. 3:15-cv-00705
)	
V.)	JUDGE FRIEDMAN
)	
HERBERT H. SLATERY III, Attorney)	MAGISRATE JUDGE
General of Tennessee, in his official)	FRENSLEY
Capacity; et al.,)	
)	
Defendants.)	
)	

MOTION FOR LEAVE TO FILE REPLY MEMORADUM

Plaintiff Knoxville Center for Reproductive Health, Inc. (the "Center) moves, pursuant to Local Rule 5.04(b), for leave to file a reply memorandum in support of its Motion for Voluntary Dismissal Without Prejudice, and shows as follows:

- 1. Defendants' response opposes the Motion and asks the Court to proceed in one of two ways: deny the Motion, although Plaintiff has met its burden to withdraw; or grant the Motion but simultaneously order the Center to respond to third-party discovery—which is beyond the scope of the Motion to Dismiss and inappropriate unless and until Defendants have served such third-party discovery and the Center has had an opportunity to assess it.
- 2. Defendants' response raises factual allegations which require correction and explanation by the Center.
- 3. For these reasons, a reply memorandum will assist the Court in making its determination on the Center's Motion to Dismiss.

WHEREFORE, Plaintiff Knoxville Center for Reproductive Health, Inc., requests that the Court grant this Motion for Leave to file the attached Reply Memorandum in Support of the Motion for Voluntary Dismissal Without Prejudice.

March 2, 2018

Respectfully Submitted,

/s/ Thomas H. Castelli
Thomas H. Castelli #24849
American Civil Liberties Union
Foundation of Tennessee
P. O. Box 120160
Nashville, TN 37212
Tel: (615) 320-7142
Fax: (615)-691-7219
tcastelli@aclu-tn.org

Julia Kaye (admitted *Pro Hac Vice*) American Civil Liberties Union Foundation 125 Broad St., Floor 18 New York, NY 10004 Tel: (212) 284-7358 jkaye@aclu.org

Attorneys for Plaintiff Knoxville Center for Reproductive Health

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Motion for Leave to File Reply Memorandum has* been served on the following counsel of record through the Electronic Filing System on this 2nd day of March, 2018:

Alexander Stuart Rieger
Steven Ashley Hart
Sue A. Sheldon
Tennessee Attorney General's Office
P O Box 20207
Nashville, TN 37202-0207
(615) 741-2408
Fax: (615) 532-5683
alex.rieger@ag.tn.gov
steve.hart@ag.tn.gov
Sue.Sheldon@ag.tn.gov

/s/ Thomas H. Castelli Thomas H. Castelli